

### **DETAILED ACTION**

The indicated allowability of claim 16, 18-20, 22-26, and 30 is withdrawn in view of the newly discovered reference to Debie, FR-881,615. Rejections based on the newly cited reference follow.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

#### ***Claim Objections***

Claims 16, 24, and 25 is objected to because of the following informalities:

regarding claim 16, "unit" twice in line 6 should be --units-- and --and-- should be inserted after the semicolon in line 15; and,

regarding claims 24 and 25, "unit" in line 3 should be --units--. Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

#### ***Claim Rejections - 35 USC § 112***

Claims 16, 18-20, 22-26, and 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 16, the recitation "each of the lower prong members extending into the holes in the first and second mat panels" in lines 20-21 is misdescriptive and/or inaccurate since each prong member does not extend into the holes in the first and second mat panels inclusively. Note that the drawings rather show a lower prong member only extending into the hole of either the first mat panel or the second mat panel in the alternative.

Regards claims 16 and 30, the recitation "inner" and "outer" in claim 16, lines 9 and 11, and claim 30, lines 7 and 8, are relative terms that render the claim indefinite. In particular, since the first lower prong member and the second prong member have not been recited as being circular, cylindrical, or being hollow in any form, one cannot ascertain an inner end and an outer end with respect to a point of reference that does not have a cavity as the lower prong members are just solid parts.

Regarding claim 30, the recitation "each mat panel having at least one hole" in line 3 has a number disagreement with "said mat panels together defining a total of at least four said holes" recited in line 4-5. Note that reciting each mat panel having at least one hole rather renders a total of at least two holes. Accordingly, the recitation "one hole" in line 3 should rather be --two holes-- for proper number agreement. The same problem set forth in claim 16 applies to the limitation "each of said lower prong members extending into the holes in the first and second mat panels" recited in line 28-

29. According to the drawings, the lower prong member extends into the hole of either the first mat panel or the second mat panel.

Regarding claims 18-20 and 22-26, the claims depend from claim 16 and therefore are indefinite.

***Claim Rejections - 35 USC § 102***

Claims 16, 20, 22-24, and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Debie, 881,615.

Regarding claims 1 and 30, Debie discloses, in Figures 1-3, two adjacent mat panels 4, 7 and a connector 1 (or four-prong connector in the rejection of claim 30). The connector 1 has at least two two-prong connector units 2, 2'''. Each of the two-prong connector units 2, 2''' comprise an upper member A1, a first lower prong member 2, a second lower prong member 2'', a first joining member A2, and a second joining member A3. The upper member has a first end A4 and a second end A5. The upper member A1 lies on a top of the mat panels 4, 7 and spans a distance between the holes in the adjacent mat panels. The first lower prong member and the second lower prong member has an inner end A6 and an outer end A7. The first joining member connects the first end of the upper member to the inner end of the first lower prong member. The second joining member A2 connects the second end A6 of the upper member A1 to the

inner end of the second lower prong member 2". The upper member A1 is substantially parallel to the first lower prong member 2 and to the second lower prong member 2". Two of the four lower prong members extend into the holes in the first mat panel 4, and the other two lower prong members extend into the holes in the second mat panel 7. At least one of the two two-prong connector units is joined in parallel to another of the two two-prong connector units by at least one spanning member A8 that connects the upper members A1. The upper members A1 are parallel and the lower prong members are in the same plane as one another.

Regarding claim 20, an internal angle between the upper member and the first joining member is at least 90 degrees and an internal angle between the upper member and the second joining member is at least 90 degrees.

Regarding claim 22, the first and the second lower prong member 2, 2" and the first and second joining members are comprised of steel, metal sheets, or metal panels.

Regarding claim 23, the first and the second lower prong member 2, 2", the first and second joining members, and the spanning member are comprised of steel, metal sheets, or metal panels.

Regarding claim 24, applicant should note that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only

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process steps are recited. How the connector units are formed is of little consequence when Debie possesses such single piece of material. Therefore, this limitation has been given limited patentable weight. See MPEP 2113. Accordingly, the upper member, the first and second lower prong members, the first and second joining members of each of the connector units are formed from a single piece of material.

Regarding claim 25, applicant should note that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited. How the connector units are formed is of little consequence when Debie possesses such connector units. Therefore, this limitation has been given limited patentable weight. See MPEP 2113. Accordingly, the upper member, the first and second lower prong members, the first and second joining members of each of the connector units are formed by bending.

***Claim Rejections - 35 USC § 103***

Claims 18, 19, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Debie, 881,615.

Regarding claim 18, Debie, as discussed, fails to disclose the upper member being about five inches in length; the first and second lower prong members being each about two inches in length; the distance from the bottom surface of each of the lower

prong members to the top surface of the upper member being about one and three quarters inches in length; the length of the connector from an outer edge of the first end of the first lower prong member to an outer edge of the second end of the second lower prong member being approximately eight inches; and the upper member, the first and second lower prong members, and the first and second joining members being comprised of one-half inch round rods. Applicant should note that these limitations render an obvious design choice. A change in size is generally recognized as being within the level of ordinary skill in the art. Therefore, it would have been an obvious matter of design choice to select the dimension as set forth in the claim since such a modification would have involved a mere change in the size of a component for a large size application. *In re Rose*, 105 USPQ 237 (CCPA 1955). With regards to the change of shape of the parts in the connector, a change in the shape of a prior art device is a design consideration within the skill of the art. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). In particular, one could have selected to make the connector from round, square, or any other shaped rod. In particular, a one-half inch round rod.

Regarding claim 19, the same rejection as in claim 18 applies to this claim.

Regarding claim 26, Debie, as discussed, fails to disclose each of the first joining member and the second joining member being separately formed and joined together forming the connector. Applicant should note that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v.*

*Erlieyman*, 168 USPQ 177, 179. Accordingly, it would have been obvious to make the first joining member and the second joining member separately and joined together forming the connector.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-272-7083. The examiner can normally be reached from 9:30AM-6:00PM. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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/E. G./

Examiner, Art Unit 3679

January 19, 2010

Attachment: one marked-up page of Debie, FR-881,615

/Daniel P. Stodola/  
Supervisory Patent Examiner, Art Unit 3679



*Fig. 2*

